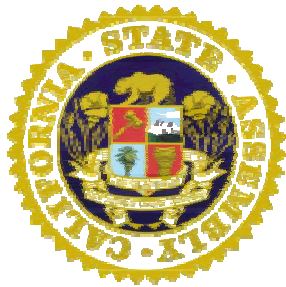


# ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS

## 1997-98 LEGISLATIVE SUMMARY



*A Comprehensive Report of  
Legislation Considered by the  
Committee during the 1997-98  
Legislative Session*

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**Howard Wayne, Chair**

Committee Members

Robert Prenter, *1998 Vice-Chair*

Jim Cunneen, *1997 Vice-Chair*

Debra Bowen

Denise Moreno Ducheny

Fred Keeley

Wally Knox

Bernie Richter

Committee Staff

Sally Magnani Knox, *Chief Consultant*

Scott H. Valor, *Senior Consultant*

Millie Anderson, *Committee Secretary*

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***October 1998***

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# **ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS**

## **LEGISLATIVE SUMMARY 1997-98 Session**

### **Committee Focus and Goals**

The jurisdiction of the Environmental Safety and Toxic Materials Committee encompasses subject matter affecting the most basic human health needs: the safety of the water we drink and swim in, the air we breathe, the food we eat, the soil we build upon, and the products we use.

Under the leadership of Chair Howard Wayne, the Committee's objectives in the 1997-98 session were to ensure protection of public health and the environment, and to streamline and refine regulatory programs where possible without impairing the environment. This general focus is based on the following principles:

- Environmental protection does not come at the expense of a healthy economy. Rather, a strong economy is compatible with and complementary to strong environmental protection. Businesses are attracted to California because of, not in spite of, our quality of life.
- The public supports environmental protection and is distrustful of agendas to dismantle the programs that have been steadily built up over the last 20 years. Attempts to weaken environmental protection tend to polarize the debate and make it difficult to accomplish true streamlining reforms.
- Often, more can be accomplished with bi-partisan cooperation. Chairman Wayne has made it a priority to work with all members of the committee in drafting and passing compromise measures that accomplish the objectives set forth above.

## **Oversight Activity**

The Committee fulfilled its important oversight responsibilities with a number of informational hearings in 1997. In March of 1997, the Committee examined the complex and controversial Regulatory Structure Update, an effort of the Department of Toxic Substances Control (DTSC) to rewrite its hazardous waste management regulations from top to bottom. The particular focus of the Committee was DTSC's efforts to change the scientific tests that determine whether waste is classified as hazardous.

In the fall, the Committee concentrated on the vexing problem of non-point source pollution of the state's surface water, and the effect of that pollution on our coastal resources. The first hearing was conducted jointly with the Assembly Select Committee on Coastal Protection to look at the causes of the non-point source pollution problem, now considered to be the number one source of pollution in California's coastal waters. The second hearing focused on the importance of, and the threats to, natural water quality barriers and filters such as wetlands.

In December of 1997, the Committee held two hearings. The first addressed the safety and economic considerations of the use of reclaimed sewage water for drinking water purposes. This is an idea that has become increasingly favored by drinking water engineers, but has been greeted with considerable skepticism by the drinking water-consuming public. The first "toilet to tap" project of its kind in California is currently under consideration by the City of San Diego.

Also in December the Committee conducted an in-depth review of the state Superfund program, administered by the Department of Toxic Substances Control to cleanup sites contaminated with toxic and hazardous substances. This hearing, conducted jointly with the Senate Environmental Quality Committee, set the stage for the development and debate of comprehensive Superfund reauthorization legislation in 1998.



## **1997-98 Legislative Summary**

In the 1997-98 legislative session, the Assembly made considerable progress in the effort to prevent contamination of our drinking water, air, food and soil and to ensure a safe and healthy environment for all Californians.

The Environmental Safety and Toxic Materials Committee approved a number of important pro-active legislative initiatives to improve the quality of our air and water. Key issues addressed by the Committee included the protection of coastal and other surface waters from "non-point" sources of pollution, the cleanup of contaminated and blighted properties in urban areas (called "brownfields"), and the protection of infants and children who are often uniquely sensitive to toxins and other environmental hazards.

A number of bills considered by the Committee, while identifying legitimate instances of regulatory overlap or overkill, were initially so broadly drafted that they served to undermine strong and necessary environmental protections in existing law. Under Chairman Wayne's leadership, the Committee successfully amended or rewrote these bills so that they narrowly focused on streamlining and refining regulatory programs – without impairing or weakening environmental protections. In addition, the Committee was able to turn back several efforts deliberately aimed at deregulation or at weakening public health and environmental protections.

Below is a brief description of the content and disposition of bills referred to the Environmental Safety and Toxic Materials Committee during the 1997-98 legislative session, organized by subject matter:<sup>1</sup>

### **Water Quality**

**AB 411 (Wayne): Beach safety.** This bill establishes uniform requirements for regular monitoring of coastal waters for bacterial contamination and enacts requirements to establish statewide, health-based standards for bacterial contaminants. The bill requires health officers to protect and inform the public when waters at public beaches pose a health hazard. Existing programs to monitor beach water quality are an inconsistent and incomplete patchwork. Recent studies have documented higher rates of illnesses experienced by people swimming in the ocean adjacent to storm drains.  
*Status: Signed by the Governor (Chapter 765, Statutes of 1997).*

**AB 548 (Aroner): Water quality; coastal bays.** This bill would have required the coastal regional water quality control boards to conduct unannounced inspections of all facilities determined to be major dischargers of wastewater to coastal bays and estuaries. If the facility was demonstrated to be a "good actor" in compliance with all water quality

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<sup>1</sup> For the purposes of this summary, "ES&TM" is used as an abbreviation for the Assembly Environmental Safety and Toxic Materials Committee.

laws, then only one annual unannounced inspection would have been required. In the Senate, the bill was amended to deal with adolescent health programs.

*Status: Held in the Senate Appropriations Committee.*

**AB 926 (Thompson): Lake Elsinore cleanup.** This bill would have appropriated \$3,500,000 from the General Fund to the City of Lake Elsinore for the aeration and cleanup of Lake Elsinore. This oxygen poor lake has become a death trap for fish, killing tens of thousands of them almost every year.

*Status: Held in Senate Appropriations Committee.*

**AB 982 (Aroner): Water quality; bays and estuaries.** This bill would have deleted the January 1, 1998 sunset provision for the fees charged to facilities discharging waste into enclosed bays and estuaries under the Bay Protection and Toxic Cleanup Program (the bay toxics "hot spots" program). This bill was not set for hearing because AB 1479 (Sweeney) was introduced to accomplish the same goal.

*Status: Held without hearing in ES&TM at the author's request.*

**AB 1429 (Shelley): Coastal water quality monitoring.** This bill requires the State Water Resources Control Board to inventory existing programs to monitor coastal water quality and to prepare a report proposing a comprehensive statewide program to monitor coastal watersheds for chemical, bacterial and metal contaminants. A 1997 report released by the State Resources Agency found the state's existing coastal water quality monitoring inadequate and incomplete, hindering the state's ability to make sound water quality management decisions.

*Status: Signed by the Governor (Chapter 899, Statutes of 1997).*

**AB 1479 (Sweeney): Bay toxics "hot spots" program.** This bill would have revised and extended the Bay Protection and Toxic Cleanup Program, first enacted in 1989 to identify and rank the most hazardous "hot spots" of toxic contamination in the state's bays and estuaries. Valuable monitoring data and information has been gathered under the program, and this bill proposed to continue these activities in order to fully evaluate and make recommendations for remedying the worst toxic hot spots. This bill would have made deadlines and requirements under the program more specific and would have extended the sunset provision on the fees that support the program until the year 2002.

*Status: Vetoed.*

**AB 1862 (Migden): Pollution prevention in the State's waters.** This bill would have required certain businesses that apply for a permit to discharge pollutants into the state's waters to create a "pollution prevention plan" demonstrating how pollution discharges would be minimized. The bill also would have increased the enforcement powers of sewage treatment facilities by allowing them to conduct inspections and assess and collect civil and administrative penalties against those who violate certain water quality laws.

*Status: Held in the Senate Judiciary Committee.*

**AB 2019 (Kuehl): Storm water discharge enforcement.** This measure provides structure and incentives to ensure that businesses discharging storm water into surface water bodies comply with permitting and other regulatory requirements. Specifically, the bill requires the water boards to identify and contact non-complying dischargers and imposes mandatory civil penalties for failure to submit a required notice of intent to comply or to submit required reporting documents. In recent years, diffuse "non-point" sources, including storm water run off, have emerged as major contributors to the degraded water quality of our lakes, rivers, and coastal waters. This bill is intended to end the rampant non-compliance with programs designed to curb this pollution.  
*Status: Signed by the Governor (Chapter 998, Statutes of 1998).*

**AB 2231 (Aroner): Health hazard warnings at popular fishing sites.** This bill would have required that any fish consumption advisories issued by the Office of Environmental Health Hazard Assessment contain information concerning the specific chemical contaminants or toxins found in the fish and shellfish that are the subject of the advisory. The bill would have required the State Department of Health Services, to the extent of available funds, to coordinate with county health departments to post multilingual fish consumption advisories so that people fishing would have had accurate information about the safety of the fish in the waterway.  
*Status: Vetoed.*

**AB 2302 (Runner): Waste discharge requirements.** ES&TM received the second reference (after the Water, Parks and Wildlife Committee) on this bill that would have placed the burden on regulators to demonstrate that a proposed discharge of waste would have a detrimental effect on water quality, rather than on the discharger to show that water resources would not be harmed. Specifically, the bill would have required the regional water quality control boards, when issuing waste discharge permits that limited the amount of effluent that could be discharged, to make detailed findings concerning the impacts of the proposed discharge.  
*Status: Held in the Assembly Water, Parks and Wildlife Committee.*

**AB 2339 (Sweeney): Bay toxics "hot spots" program.** This bill would have revised and updated the Bay Toxic Cleanup Program, first enacted in 1989, to identify and rank the most hazardous "hot spots" of toxic contamination in the state's bays and estuaries. The bill would have required that the detailed bay protection and cleanup plans developed under the program be meaningfully implemented, that contaminated areas determined to be of high or moderate priority be remediated, and that ongoing monitoring and surveillance activities be conducted.  
*Status: Vetoed.*

**AB 2439 (Bowen): Ban on use of two-stroke motors on reservoirs used as drinking water supplies.** This bill would have banned the use of two-stroke motors over 10 horsepower on bodies of water that directly serve to supply drinking water to communities. Due to their highly polluting and inefficient nature, non-fuel injected two-stroke motors deposit high levels of MTBE, and benzene and other known carcinogens

into the water, as exhaust. New, less-polluting motors are coming onto the market, and this bill sought to facilitate the phase out of the older, highly polluting two-stroke engines. In ES&TM, this bill was amended to be narrowly focused; however, it continued to be strenuously opposed by the boating and engine manufacturing industries.  
*Status: Held in the Assembly.*

**AB 2698 (Ducheny): Regulation of wastewater treatment units.** As originally drafted, this bill would have exempted onsite hazardous wastewater treatment units from some requirements applicable to all generators of hazardous waste and from the requirement to obtain authorization to treat hazardous waste under the tiered permitting program, if those treatment units met specified, less stringent alternative requirements. In ES&TM, the bill was amended to require the Department of Toxic Substances Control to prepare a report recommending an appropriate comprehensive regulatory structure for onsite wastewater treatment units.  
*Status: Held in the Senate Environmental Quality Committee.*

**SB 105 (Ayala): Water quality notification.** This bill requires the public to be immediately notified of toxic substance and sewage spills whenever notification will protect the public health and safety.  
*Status: Signed by the Governor (Chapter 783, Statutes of 1997).*

**SB 1852 (Kelley): Septic systems overlying aquifers in Desert Hot Springs.** This bill applies only to the community of Desert Hot Springs in Riverside County. It prohibits the use of septic disposal systems on small parcels of property that overlie drinking water and hot springs aquifers in the area.  
*Status: Signed by the Governor (Chapter 437, Statutes of 1998).*

## 1997-98 Legislative Summary

### MTBE Contamination

**AB 592 (Kuehl): MTBE tanks and pipelines.** This bill enacts several programs designed to identify, monitor and prevent contamination of drinking water supplies from MTBE, a chemical added to gasoline to improve air quality. Recently, MTBE has been discovered to be leaking from underground gasoline tanks and pipelines, resulting in contamination of groundwater. To address this problem, AB 592 requires the State Fire Marshall to determine the location of petroleum pipelines near drinking water wells, requires pipeline operators to prepare pipeline wellhead protection plans, authorizes the expenditure of up to \$5 million annually to treat or replace contaminated drinking water, and requires the setting of a drinking water standard for MTBE and other gasoline additives.

*Status: Signed by the Governor (Chapter 814, Statutes of 1997).*

**SB 521 (Mountjoy): MTBE health effects study.** This bill appropriates \$500,000 to the University of California to conduct a study of the human health and environmental risks and benefits of the use of the "clean burning" gasoline additive MTBE, as compared to alternatives such as ethanol, an additive which does not pollute water supplies.

*Status: Signed by the Governor (Chapter 816, Statutes of 1997).*

**SB 1189 (Hayden): MTBE contamination.** This bill, which is similar to AB 592 (Kuehl), enacts programs to identify and monitor contamination by MTBE leaking from tanks and pipelines and requires the Department of Health Services to establish a primary drinking water standard for MTBE by January 1, 1999.

*Status: Signed by the Governor (Chapter 815, Statutes of 1997).*

**SB 2198 (Sher): Funding for cleanup of MTBE-contaminated water systems.** This bill makes funds available to public water systems to cleanup MTBE contamination of public water supplies. MTBE is unfortunately highly soluble in water and is difficult to remove once it has contaminated drinking water wells and aquifers. The bill prohibits the Air Resources Board from adopting any regulation that requires the addition of an oxygenate to motor vehicles, unless the regulation is subject to a rulemaking process involving agencies that regulate the full spectrum of environmental media, including air, water and public health.

*Status: Signed by the Governor (Chapter 997, Statutes of 1998).*

## **1997-98 Legislative Summary**

### **Children's Health**

**AB 278 (Escutia): Children's Environmental Health Protection Act.** This bill would have required that the physiology and habits of children be taken into account when setting health standards for ambient air quality and toxic air contaminants. The bill also would have enacted specific programs to monitor and reduce air emissions near schools and day care centers. A 1996 study by the U.S. Environmental Protection Agency found infants and children at particular risk from environmental hazards because of their immature and developing organs and body systems. Public health standards have traditionally been set based on the effects of contaminants on the average 180 pound male.

*Status: Vetoed.*

**SB 442 (Brulte): Sensitive subgroups guidelines.** This measure was introduced to compete with the Children's Environmental Health Protection Act (AB 278, Escutia). In contrast to AB 278, which requires that specific air quality standards be set at levels that ensure the protection of infants and children, SB 442 would have simply required general guidelines to be developed to protect children's health. SB 442 did not require that any agency actually use the guidelines to set or revise environmental standards.

*Status: Failed passage in ES&TM.*

## **1997-98 Legislative Summary**

### **Toxic Waste Cleanup**

**AB 681 (Machado): Environmental cleanup; notice to landowners.** This bill prohibits regulatory agencies overseeing hazardous waste cleanups from considering a cleanup proposal or from determining that no further cleanup is required without the prior notification of all current owners of fee title to the site. Cleanup agencies must take all reasonable steps to ensure that property owners have the opportunity to participate in the cleanup process when another person, such as a lessee, is undertaking the cleanup.

*Status: Signed by the Governor (Chapter 255, Statutes of 1998).*

**AB 851 (Bowen): State Superfund reauthorization.** This bill was amended in the Senate to include many of the same provisions as SB 2170, the conference committee vehicle on state Superfund reform (discussed on page 12). AB 851 would have reauthorized and enacted changes to the state Superfund program for the cleanup of property contaminated with toxic waste. The bill would have ensured that the state continued to have an effective program to accomplish cleanups and would have significantly improved the functioning of the program in key areas. Specifically, AB 851 would have: eliminated the Superfund sunset provision so that the program would continue indefinitely; created an Orphan Share Reimbursement Trust Fund to encourage parties responsible for contamination to commit to full cleanup of sites in exchange for public funding of any shares of cleanup attributable to defunct and insolvent parties; authorized quick settlement with small responsible parties so they would be protected from further litigation; clarified that homeowners are exempted from liability for contaminated groundwater under their property; specified the applicable standards for conducting site cleanup risk assessments; expanded opportunities for public participation in cleanup projects; simplify a number of the procedural requirements for listing and ranking Superfund sites. Because AB 851 failed passage, many provisions of the state Superfund program, including those providing for cleanup of illegal drug labs, will now sunset on January 1, 1999.

*Status: Failed passage in the Senate.*

**AB 871 (Wayne): Brownfields cleanup.** This bill facilitates the cleanup of contaminated properties by redevelopment agencies. It enhances and extends the sunset provision on the portion of the existing Community Redevelopment law granting powers to redevelopment agencies to compel responsible parties to cleanup sites that are contaminated with hazardous waste, and to recover costs of redevelopment agency cleanup activity. The existing law has provided redevelopment agencies with powerful tools to clean up blighted urban areas and prepare them for redevelopment. If this law had been allowed to sunset, it is likely that redevelopment agencies would be less willing to become involved in the cleanup activities necessary to return blighted properties to productive use. The bill also requires the Department of Toxic Substances Control to post information concerning real property deed restrictions on its website. Public dissemination of deed restrictions will help ensure that future developments on formerly

contaminated real property are appropriate and adequately protect the public health and safety.

*Status: Signed by the Governor (Chapter 430, Statutes of 1998).*

**AB 1195 (Torlakson): Cleanup plans; statement of reasons.** As it passed ES&TM, this bill would have required the agency overseeing a hazardous substance site cleanup to provide a statement of reasons explaining why the agency reached the conclusions it did in its preliminary non-binding allocation of responsibility. The bill was amended in the Senate, however, to remove these provisions and, instead, to address real estate disclosure.

*Status: Signed by the Governor (Chapter 65, Statutes of 1998).*

**AB 1594 (Assembly Committee on Environmental Safety and Toxic Materials): Federal facility cleanups.** This bill would have removed a provision of existing law that prohibits the Department of Toxic Substances Control from expending site mitigation funds on sites owned by the federal government. This bill was introduced in an attempt to resolve a dispute between the state and the U.S. Department of Defense over the payment of hazardous waste fees.

*Status: Held in ES&TM.*

**AB 1909 (Wayne): Specialized financing for brownfields cleanups.** This bill expressly authorizes the California Pollution Control Financing Authority to use its financing tools, in coordination with private lenders, to finance the cleanup of property that is contaminated with hazardous waste. The bill also authorizes the Financing Authority's capital access program to issue loans to qualified small businesses for hazardous waste cleanup.

*Status: Signed by the Governor (Chapter 1008, Statutes of 1998).*

**SB 869 (Lee): Public comment on removal action workplans.** This bill would have required the Department of Toxic Substances Control to provide a public comment period of at least two weeks before approving a Removal Action Workplan for a cleanup project if there is significant community interest in the project.

*Status: Held in ES&TM at the author's request.*

**SB 1081 (Calderon): Mediation of landowner/responsible party cleanup disputes.** This measure sets up a voluntary process to avoid litigation over cleanup up disputes at toxic waste sites where the party responsible for the contamination is not the landowner (for example, the party responsible for the contamination leased the site from the owner for the operation of an automobile repair shop). SB 1081 requires the landowner to, under certain conditions, provide notice of a release of hazardous substances to the party responsible for the release. The responsible party can then commit to conducting the cleanup. If that commitment is accepted by the landowner, then the landowner waives certain rights to sue and collect damages from the responsible party.

*Status: Signed by the Governor (Chapter 873, Statutes of 1997).*



**SB 1898 (Polanco): Cleanup of property contaminated with hazardous waste.**

Similar to AB 871, this bill authorizes a redevelopment agency to undertake cleanup or compel a responsible party to clean up property contaminated with hazardous waste. The primary purpose of the bill is to extend the sunset provision of that portion of the Community Redevelopment law that grants cost recovery provisions and liability immunity to redevelopment agencies that cleanup property contaminated by other responsible parties.

*Status: Signed by the Governor (Chapter 438, Statutes of 1998).*

**SB 2170 (Sher): State Superfund reauthorization.** This bill embodied a compromise proposal to reauthorize the state Superfund program that is now set to expire on January 1, 1999. The bill was adopted by a two-house conference committee after nearly a year of discussion between representatives of the administration, responsible party groups, environmental groups, legislative policy committee chairs, and other stakeholders. The bill contained provisions nearly identical to those in AB 851 (described above), with the added provision of a 16 cent per gallon fee on industrial oils to pay the cleanup costs attributable to orphan shares. This fee was proposed by, and requested by, lobbyists for a coalition of industry groups. After the bill was adopted by the conference committee, some of these groups withdrew their support for the fee. The provisions of SB 2170, with the fee replaced by an appropriation from the General Fund, were then amended into AB 851. Nevertheless, the industry groups refused to support the bill when the vote was taken, and it failed passage. Consequently, the Superfund program will expire in 1999.

*Status: Conference Committee report withdrawn from the Senate and held in the Assembly.*

## **1997-98 Legislative Summary**

### **Hazardous Waste Manifest Program**

**AB 256 (Cunneen): Hazardous waste manifests.** This bill requires the Department of Toxic Substances Control to simplify the hazardous waste identification codes used on the hazardous waste manifest tracking forms. The existing system for tracking shipments of hazardous waste relies on waste identification codes that are outdated, inconsistent with federal law, and often so overly broad as to be meaningless. As a result, it is often difficult to determine exactly what waste is being shipped, defeating the purpose of providing the tracking documentation.

*Status: Signed by the Governor (Chapter 361, Statutes of 1997).*

**AB 966 (Ackerman): Laboratory hazardous waste.** As introduced and passed by ES&TM, this bill, originally authored by Chairman Wayne, required the Department of Toxic Substances Control to study the development and design of a new hazardous waste manifest tracking system using state-of-the-art data receiving, processing and retrieval technology. The bill was introduced in response to a virtually unanimous recognition that the existing manifest tracking system is antiquated and unworkable. In mid-1997, however, budget language was adopted to complete the study required by AB 966, and money was appropriated in other legislation to design and implement the new system. Accordingly, AB 966 was amended to provide for streamlining the hazardous waste storage and treatment practices of research and educational laboratories, and to exempt low-risk hazardous waste treatment activities such as filtering and evaporation from hazardous waste treatment regulations. The laboratory waste provisions were originally introduced in AB 2424 (discussed on page 21) which failed to obtain a necessary rule waiver and was held in ES&TM. After the laboratory waste provisions were added to AB 966, ES&TM again heard and approved the bill.

*Status: Signed by the Governor (Chapter 506, Statutes of 1998).*

## **1997-98 Legislative Summary**

### **Hazardous Waste Management**

**AB 708 (Ackerman): Hazardous waste disposal fees.** This bill clarifies that the lower hazardous waste disposal fee rate that currently applies to wastes generated from a hazardous substance cleanup effort also is applicable to petroleum wastes that are not within the definition of "hazardous substances" under the state Superfund program. In addition, the bill codifies a statutory interpretation made by the Department of Toxic Substances Control that wastes from voluntary cleanups are subject to the lower rate.  
*Status: Signed by the Governor (Chapter 177, Statutes of 1997).*

**AB 847 (Wayne): Management of hazardous wastes in discarded appliances.** This bill creates a statutory framework to ensure implementation and enforcement of the requirement in existing law that hazardous substances such as CFCs, PCBs, and mercury be removed from discarded domestic and commercial appliances before the metal in the appliances is recycled. Specifically, the bill requires the Department of Toxic Substances Control to notify companies of the requirement to remove hazardous substances from discarded appliances and to integrate enforcement of this requirement into existing hazardous waste generator inspection and enforcement programs.  
*Status: Signed by the Governor (Chapter 884, Statutes of 1997).*

**AB 882 (Wayne): Hazardous waste definition.** This measure amends the definition of "waste" to clarify that a coolant, lubricant, or cutting fluid necessary to the operation of manufacturing equipment is not required to be regulated as a hazardous waste. The bill codifies a regulatory interpretation by the Department of Toxic Substances Control.  
*Status: Signed by the Governor (Chapter 470, Statutes of 1997).*

**AB 1157 (Wayne): Hazardous waste permitting variances.** This bill would have required the Department of Toxic Substances Control to give 30 days public notice of its intent to grant a variance from the requirements governing the handling of hazardous waste. By allowing for the public notice to be issued prior to granting a variance, this bill would have ensured that communities are informed of any deviation from the normal hazardous waste management rules proposed to be allowed at adjacent facilities. Under the bill, communities would have had time to request further information or to present their concerns about the variance to the department.  
*Status: Vetoed.*

**AB 1357 (Baldwin): Unified program agencies.** This bill transfers regulatory responsibility and oversight for mobile treatment units (called transportable treatment units or "TTUs") from local hazardous waste management agencies (Certified Unified Program Agencies) to the Department of Toxic Substances Control. This bill was introduced to ensure consistency in permitting and enforcement with regard to those treatment units that move across local agency jurisdictional boundaries.  
*Status: Signed by the Governor (Chapter 778, Statutes of 1997).*

**AB 2487 (Oller): Draining and disposal of fuel filters from gas pumps.** This bill exempts fuel filters found on pumps at service stations from hazardous waste disposal laws, if the filters are drained and handled according to local fire department regulations. Although it is not the current practice, the sponsors of the bill were concerned that the Department of Toxic Substances Control might regulate the filters as hazardous waste. The bill does not exempt the drained fuel and oils themselves from hazardous waste handling laws.

*Status: Signed by the Governor (Chapter 532, Statutes of 1998).*

**SB 659 (Sher): Hazardous waste unified agencies.** This bill would have allowed a city or local district that has applied for unified program agency (or CUPA) certification to administer and enforce the hazardous waste management laws within its jurisdiction, but has been refused certification because of a jurisdictional conflict, to reapply for certification by a certain date.

*Status: Held in Assembly.*

**SB 660 (Sher): Hazardous waste fee reform.** This bill substantially restructures the fee system that generates revenue to support the regulatory and toxic cleanup programs of the Department of Toxic Substances Control. The bill reduces fees on regulated hazardous waste industries and requires that industry fees be deposited in the Hazardous Waste Control Account to be used to fund the department's regulatory programs. Further, it increases a broad based fee levied on all corporations, deposits that fee revenue into the Toxic Substances Control Account, and uses that fee revenue to fund the department's site cleanup and scientific programs. SB 660, for the first time since the state Superfund program was enacted, provides a long-term stable source of funding for toxic cleanups.

*Status: Signed by the Governor (Chapter 870, Statutes of 1997).*

**SB 1090 (Costa): Hazardous waste disposal facility fees.** This bill would have permitted offsite hazardous waste disposal facilities subject to a local gross receipts tax to reduce the amount of state hazardous waste facility and generator fees owed to the Department of Toxic Substances Control by the amount of local tax paid. The fee reduction would have been allowed only if sufficient revenues were generated by the collection of outstanding accounts receivable.

*Status: Held in the Assembly Appropriations Committee.*

**SB 2240 (Senate Committee on Environmental Quality): Hazardous waste fee reform cleanup legislation.** This bill makes several clarifying technical changes to implement the fee reform structure contained in SB 660 (Sher). Specifically, it shifts funding for Certified Unified Program Agencies to the hazardous waste management account (the Hazardous Waste Control Account) and shifts the pollution prevention program funding to the site mitigation and technical assistance account (the Toxic Substances Control Account). The bill also raises the cap on oral contracts that the Department of Toxic Substances Control may enter into with respect to drug lab cleanups.

*Status: Signed by the Governor (Chapter 882, Statutes of 1998).*

**SB 2172 (Sher): Hazardous waste control laws; exemption regulations.** This bill alters the procedure the Department of Toxic Substances Control must follow before adopting a regulation granting an exemption from hazardous waste laws. Under authority granted in 1996, the department may adopt regulations exempting hazardous waste activities from statutory requirements under certain conditions if it prepares a prescribed written analysis. SB 2172 requires the department to prepare a preliminary analysis and make it available to the public at the time the exemption regulation is first proposed, and to make the final analysis available ten days prior to the adoption of the regulation.  
*Status: Signed by the Governor (Chapter 676, Statutes of 1998).*

## **1997-98 Legislative Summary**

### **Hazardous Waste Law Enforcement**

**AB 335 (Wayne): Collection of administrative penalties.** This bill allows the Department of Toxic Substances Control to more easily collect monetary penalties that are levied as part of enforcement actions. The bill eliminates the requirement in existing law for the department to file separate and additional civil lawsuits to collect fines imposed by administrative orders.

*Status: Signed by the Governor (Chapter 363, Statutes of 1997).*

**AB 983 (Wayne): Local enforcement of hazardous waste laws.** This measure corrects an inconsistency in existing law concerning the enforcement tools available to local hazardous waste enforcement agencies (called Certified Unified Program Agencies or CUPAs). Currently, CUPAs may refer civil enforcement cases to either a district attorney or the Attorney General; however, actions for injunctive relief – to stop pollution or an illegal practice -- may be referred only to district attorneys. This bill gives CUPAs access to the full range of prosecutorial resources, including skilled hazardous waste law attorneys in the Attorney General's Office.

*Status: Signed by the Governor (Chapter 357, Statutes of 1998).*

## **1997-98 Legislative Summary**

### **Accidental Release Program**

**AB 361 (Cunneen): Hazardous materials business plans.** This bill allows a handler of hazardous materials to review its business plan for the storage and handling of hazardous waste once every three years from the date of its submission, rather than the previously mandated two years. The bill also allows a hazardous materials handler to annually certify that its inventory has not changed from its previously submitted inventory, rather than requiring a handler to produce an annual report with no changes. This bill was introduced to reduce paperwork and improve efficiency for both administering agencies and regulated businesses.

*Status: Signed by the Governor (Chapter 365, Statutes of 1997).*

**AB 763 (Aroner): Accidental releases of hazardous materials.** This bill would have required owners and operators of facilities regulated under the accidental chemical release prevention program to use equipment and methods designed to prevent the escape of hazardous substances from pressure relief valves whenever the local air district made a determination that an accident could occur and emergency response measures would be inadequate. The bill was introduced in response to incidents involving spills and releases of acutely hazardous substances in recent years. Some of the most significant and harmful incidents have involved malfunctioning pressure relief valves.

*Status: Held in ES&TM at the author's request.*

**AB 2571 (Pacheco): Use of federal assistance to implement the California Accidental Release Program (CalARP).** This bill allows the Office of Emergency Services to use available federal grant funding to implement the CalARP program, which requires businesses with more than a threshold quantity of an extremely hazardous substance to conduct accident prevention planning. Under existing law, CalARP is funded exclusively from fees paid by affected businesses.

*Status: Signed by the Governor (Chapter 251, Statutes of 1998).*

**SB 657 (Sher): Hazardous materials inventories.** This bill allows the annual hazardous materials inventory reporting requirement to be met by using either an Office of Emergency Services-adopted reporting form or by using any other form designated by a local administering agency. The bill also allows a hazardous materials handler to file an annual statement certifying that the inventory form already on file with the local administering agency is current and correct, rather than completing a new inventory form, if no changes in inventory have taken place during the past year.

*Status: Signed by the Governor (Chapter 664, Statutes of 1997).*

## **1997-98 Legislative Summary**

### **Pollution Prevention, Source Reduction, and Recycling**

**AB 1089 (Miller): Hazardous waste source reduction.** This bill makes substantive changes to the Hazardous Waste Source Reduction and Management Review Act of 1989, including the elimination of certain reporting requirements and penalties, and the alteration of the definition of “waste stream”, in order to eliminate duplication and avoid creating disincentives for compliance.

*Status: Signed by the Governor (Chapter 520, Statutes of 1997)*

**AB 1739 (Scott): Used oil recycling.** This bill revises the definition of the term “oil” to allow used oil (now considered a hazardous waste) to be recycled by being inserted into the refining process. In committee, the bill was narrowly focused to allow refineries to take used oil from motor vehicles used primarily at the refinery and insert it into their own refining process. This eliminates the need to store the oil on site and arrange for it to be taken to a used oil recycling center that would only use the same technology available at the refining site.

*Status: Signed by the Governor (Chapter 244, Statutes of 1998).*

**AB 2067 (Cunneen): Hazardous waste recycling, manifesting & purchase of recycled products.** This bill makes several changes to the hazardous waste control laws regarding recyclable materials, transport manifests, land disposal, used oil, fuel oil mixtures, and the fees that accompany these activities. It was introduced to address a variety of issues relating to the handling of hazardous materials that could be considered “recyclable,” in an effort to encourage recycling. It was also intended to provide for easier reporting of hazardous waste shipments by allowing the use of electronic manifesting.

*Status: Signed by the Governor (Chapter 880, Statutes of 1998).*

**SB 1824 (Calderon): Mixing of used oil with contaminated petroleum products to produce recycled oil.** This bill allows a used oil recycler to mix used oil with specified petroleum waste if the waste can be re-refined into recycled oil. The bill was intended to expand the volume of petroleum related hazardous waste that can be processed into recycled oil by allowing used oil to be mixed, either by the generator, transporter or the recycler, with other wastes such as contaminated diesel fuel, kerosene, oily wastes and solvents. The bill is narrowly drafted, and was developed in consultation with the Department of Toxic Substances Control, environmental organizations, and other stakeholders.

*Status: Signed by the Governor (Chapter 675, Statutes of 1998).*

**SB 1916 (Sher): Hazardous waste pollution prevention.** This bill creates a set of programs and activities administered by the Department of Toxic Substances Control to assist businesses in voluntarily reducing the amount of hazardous waste they generate by providing technical information and resources. Studies have demonstrated that pollution



prevention is cost-effective for businesses, in addition to improving environmental quality.

*Status: Signed by the Governor (Chapter 881, Statutes of 1998).*

**SB 2014 (Schiff): Hazardous waste generator fee refund.** This bill grants a refund of the state-imposed hazardous waste generator fee to any hazardous waste generator who has either (1) paid fees to a local hazardous waste regulatory agency (Certified Unified Program Agency or CUPA) or (2) transferred hazardous materials to an offsite facility for recycling. Before a refund could be granted, the Department of Toxic Substances Control would be required to determine that a budget surplus exists that is sufficient to issue refunds. The bill was intended to restore a credit against state-imposed generator fees for local fees paid, that had existed prior to the creation of CUPAs. The bill was also designed to provide an incentive for companies to recycle their wastes offsite (an existing generator fee exemption is already granted to generators who recycle onsite).

*Status: Signed by the Governor (Chapter 737, Statutes of 1998).*

## **1997-98 Legislative Summary**

### **Streamlining Regulatory Programs**

**AB 541 (Ducheny): Reporting spills of recycled water.** This bill removes recycled or reclaimed wastewater from the definition of "sewage" for the purposes of spill reporting. Instead, the bill enacts a separate statutory scheme governing the reporting of unauthorized discharges of recycled water. As defined, "recycled water" includes only wastewater that is treated to secondary or tertiary standards and that is disinfected to meet specified requirements.

*Status: Signed by the Governor (Chapter 833, Statutes of 1997).*

**AB 770 (Margett): Surface impoundment exemption.** This bill allows a public utility that has obtained an exemption from the Toxic Pits Cleanup Act under existing law for the temporary storage and treatment of fossil-fuel power plant boiler waste in a surface impoundment to transfer that exemption to a subsequent owner of the fossil-fuel power plant. The transfer must be approved by the regional water board and the subsequent owner must demonstrate compliance with financial responsibility and other requirements.

*Status: Signed by the Governor (Chapter 330, Statutes of 1997).*

**AB 2424 (Ackerman): Laboratory hazardous waste.** This bill would have exempted the hazardous waste storage and treatment activities of analytical, educational, and research laboratories from existing regulatory requirements, and instead subjected them to requirements more appropriate to the waste handling practices in laboratories. Specifically, under the bill, laboratories would have been required to maintain hazardous waste storage areas that are appropriately sized and under the control of trained personnel, and would have been allowed to treat up to 5 gallons or 18 kilograms of hazardous waste using recognized and published scientific practices without a treatment permit. This bill would have implemented the recommendations of a regulatory reform task force that, because of the wide variety and small amounts of hazardous waste generated in laboratories, a unique set of requirements should apply. AB 2424 failed to receive a necessary rule waiver and was held in ES&TM. However, the provisions of AB 2424 were amended into AB 966 in the Senate.

*Status: Held in ES&TM.*

**SB 1135 (O'Connell): Wastewater elementary neutralization exemption.** This bill expands an exemption from hazardous waste permitting and secondary containment requirements for low-risk waste treatment processes involving elementary neutralization of wastewaters produced in biotechnology manufacturing and research.

*Status: Signed by the Governor (Chapter 706, Statutes of 1997).*

**SB 1924 (McPherson): Hazardous waste exemptions; zinc dry cell batteries.** This bill exempts spent dry cell batteries containing zinc electrodes (common household batteries sold in "A", "C", "D", etc. sizes) from classification as hazardous waste and from regulation under the state's hazardous waste program if the batteries are disposed of

in a permitted municipal solid waste landfill and if the batteries are stored for a limited amount of time and in a manner that minimizes the possibility of release of any hazardous constituents. Zinc causes few adverse human health effects, but is toxic to fish and other aquatic life. This bill recognizes that most household batteries are already disposed of in municipal landfills, without resulting zinc contamination.

*Status: Signed by the Governor (Chapter 281, Statutes of 1998).*

**SB 2111 (Costa): Hazardous waste exemption for silver-containing waste under limited circumstances.** This bill conforms state regulation of wastes that are hazardous solely because of their silver content to the generally less stringent requirements of federal law. Although silver, in high enough concentrations, can be toxic to fish and other aquatic life, no adverse human health effects from silver have been identified. Given the lack of health risks posed by silver wastes, California's more stringent hazardous waste requirements were shown to be confusing and burdensome. Silver wastes remain subject to state clean water laws regulating potential aquatic releases.

*Status: Signed by the Governor (Chapter 309, Statutes of 1998).*

## **1997-98 Legislative Summary**

### **Pesticides**

**AB 891 (Keeley): Pesticide reform.** This bill would have eliminated the sunset on the pesticide mill tax assessment and renamed it the "poisoning prevention tax." The bill was referred first to the Assembly Agriculture Committee and second to ES&TM. Because the bill was held in the Agriculture Committee, ES&TM did not set it for hearing.

*Status: Held in the Assembly Agriculture Committee.*

**AB 1948 (Shelley): School pesticides right to know.** This bill would have given children and parents the information needed to avoid exposure to pesticides in schools and day care centers. Specifically, schools would have been required to notify parents annually about the planned use of pesticides and to provide prior notification of specific pesticide applications upon request. In addition, all schools and day care centers would have been required to post warning signs for 24 hours after a pesticide application.

*Status: Held in the Senate Appropriations Committee.*

**AB 2617 (Figueroa): Restrictions of use of methyl bromide.** This bill would have banned the use of pesticide products containing methyl bromide as an active ingredient after January 1, 2001. It would have required the Department of Pesticide Regulation to adopt, after review by state air toxics and health effects scientists, health-based exposure limits and control measures for methyl bromide.

*Status: Held in the Assembly Rules Committee.*

**SB 365 (Lewis): Liquid chemical sterilant pesticides.** Authorizes the Department of Pesticide Regulation to exempt liquid chemical sterilants used on certain delicate medical instruments from pesticide control regulations if the sterilant is exempt from federal pesticide laws and has been approved by the federal Food and Drug Administration. However, sterilants may not be exempted from requirements governing pesticide-related illnesses or any other requirement necessary to protect public health or the environment.

*Status: Signed by the Governor (Chapter 530, Statutes of 1997).*

**SB 445 (Monteith): Minimum risk pesticides.** This bill allows the Department of Pesticide Regulation to exempt from state pesticide control laws 25 substances such as citronella and sodium chloride that are used as pesticides but which present little or no health or environmental risks.

*Status: Signed by the Governor (Chapter 691, Statutes of 1997).*

**SB 464 (Rainey): Antimicrobial pesticides.** This bill requires expedited registration of pesticides with human health protection benefits. Further, it authorizes the Department of Pesticide Regulation to waive independent state review of the efficacy of antimicrobial pesticides if the department determines that the process used by the U.S. Environmental Protection Agency is consistent with and no less stringent than California's.

*Status: Signed by the Governor (Chapter 428, Statutes of 1997).*

**SB 603 (Monteith): Continuous evaluation of pesticides.** Existing law requires the Department of Pesticide Regulation to develop an orderly program to continuously evaluate all registered pesticides as part of its responsibility to eliminate pesticides that endanger the environment or are not beneficial. This bill requires that the continuous evaluation process be timely as well as thorough. In addition, the bill adds to the grounds for which a pesticide registration may be cancelled the registrant's failure to comply with any of the requirements of the department's pesticide reevaluation process.

*Status: Signed by the Governor (Chapter 483, Statutes of 1997).*

**SB 1161 (Costa): Pesticide mill assessment reauthorization.** This bill reauthorizes the assessment on pesticide sales for an additional five years. A significant portion of the state's program to regulate and control pesticides is funded by this assessment, which was cut by more than half by operation of law on July 1, 1997. SB 1161 allows the existing pesticide regulatory program, at existing funding levels, to continue until the year 2003. This bill reflects a compromise negotiated between the environmental, farm worker, and agricultural, and chemical manufacturing interests.

*Status: Signed by the Governor (Chapter 695, Statutes of 1997).*

**SB 1704 (Monteith): Pesticide permit ineligibility and civil action.** This bill would have made ineligible for a pesticide application license any person who previously had his or her license revoked. Further, it would have specified the timing under which civil actions or penalties could be brought for various violations. The bill was introduced as an attempt to close loopholes in the licensing and certification program as well as to expand and clarify the Department of Pesticide Regulation's fee collection authority. Concerned that the bill perpetuated an inequity in existing law assessing recordkeeping violations potentially higher fines than violations involving worker safety and improper use of restricted materials, the ES&TM committee adopted amendments that would have made the civil penalty cap uniform across all such violations. However, the author of SB 1704 did not favor these amendments and chose to allow the bill to be held in the Appropriations Committee, rather than move the bill with the added ES&TM provisions.

*Status: Held in the Assembly Appropriations Committee.*

**SB 1831 (Kelley): Pesticide inspections and enforcement.** ES&TM received the second reference (after the Assembly Agriculture Committee) on this bill which would have created a voluntary inspection program for businesses that manufacture, use and distribute pesticides. The voluntary site visit would have been deemed not to constitute an inspection or investigation for enforcement or penalty purposes, and would have been limited to only the areas requested to be inspected by the business owner.

*Status: Held in the Assembly Agriculture Committee.*

**SB 1942 (Sher): Integrated pest management in schools.** This bill would have required the State Department of Education to develop and publish a handbook for use by school districts on integrated pest management practices that minimize exposure to people and the environment.

*Status: Vetoed.*

## **1997-98 Legislative Summary**

### **Drinking Water**

**AB 921 (Wayne): Recycled drinking water.** This bill prohibits the Department of Health Services from allowing a public water system to use reclaimed or recycled water as a source of drinking water unless it can be demonstrated that the water is safe and will not pose a threat to public health. In addition, it requires at least three public hearings to be held in the area where the recycled water is proposed to be used.

*Status: Signed by the Governor (Chapter 295).*

**AB 1180 (Battin): Safe drinking water bonds.** This bill would have authorized, subject to voter approval, the issuance and sale of \$100 million in general obligation bonds for grants and loans for upgrading public water systems to meet safe drinking water standards. Under 1996 federal law, every dollar of state money devoted to drinking water improvements enables the state to receive five dollars of federal money for that purpose. After this bill was introduced, safe drinking water bonds were included in negotiations over a larger water bond package; however, no agreement was reached. The first year of the state's safe drinking water matching money was ultimately provided from General Fund sources.

*Status: Held in the Senate Agriculture and Water Resources Committee.*

**AB 2392 (Margett): Perchlorate contamination in drinking water; studies.** This bill would have appropriated \$100,000 from the General fund to the Department of Health Services to conduct a study of the effect of perchlorate contamination on existing and potential drinking water supplies.

*Status: Held in the Senate Environmental Quality Committee.*

**SB 360 (Rainey): Regulations for drinking water treatment devices.** In an attempt to control the salt load discharged from a future generation of water softeners into water that is to be recycled, this bill would have expanded the group of stakeholders that must be consulted in a future rulemaking efforts concerning water softeners. At this time, no future rulemaking efforts have been planned or scheduled.

*Status: Held without hearing in ES&TM.*

**SB 373 (Kelley): Water treatment plant operators.** This bill enables persons certified by the Department of Health Services as qualified to operate water treatment plants to also operate wastewater treatment plants that produce recycled water.

*Status: Signed by the Governor (Chapter 274, Statutes of 1997).*

**SB 1033 (Sher): Perchlorate drinking water standard.** This bill would have required the Department of Health Services to adopt an enforceable limit for perchlorate contamination in drinking water. Perchlorate, a salt used in the manufacture of rocket propellants, munitions and fireworks, has been found in drinking water wells throughout California where these types of products have been manufactured and tested. Perchlorate

can interfere with the functioning of the thyroid gland and, at very high levels, cause brain damage in fetuses and a dangerous form of anemia in adults.

*Status: Vetoed.*

**SB 1307 (Costa and Thompson): Revolving fund for public water system grants and loans.** This bill makes changes to the California Safe Drinking Water Act to conform state law to the federal Safe Drinking Water Act Amendments of 1996. It establishes the statutory framework for a state revolving fund for low interest loans and grants to public water systems to enable the state to take advantage of federal grant money provided for this purpose. California's share of the available federal grant money is estimated to be \$76 million in federal fiscal year 1997, and \$500-600 million over the life of the federal program.

*Status: Signed by the Governor (Chapter 734, Statutes of 1997).*

**SB 1765 (Costa): Safe drinking water revolving fund.** As passed by ES&TM, this bill would have allowed the state to leverage federal safe drinking water funds and state matching funds by authorizing the issuance of revenue bonds using money in the Safe Drinking Water State Revolving Fund as collateral. The bill was amended late in the session, however, to delete these provisions, to substitute Senator Peace as the author, and to appropriate \$200 million for the lining of irrigation canals in the Imperial Irrigation District so that the water conserved from the canal lining can be used to supply water needs in the San Diego area.

*Status: Signed by the Governor (Chapter 813, Statutes of 1998).*

## **1997-98 Legislative Summary**

### **Underground Tank Regulation and Cleanup**

**AB 1491 (Cunneen): Underground storage tank compliance.** This bill prohibits any person, on or after January 1, 1999, from depositing petroleum into an underground storage tank that does not display a certificate of upgraded compliance. To protect groundwater, state and federal law require owners and operators to replace or upgrade all leaking underground storage tanks by December 22, 1998. This bill provides a mechanism to ensure that those delivering fuel to underground tanks are able to distinguish which tanks are in compliance with upgrade requirements.

*Status: Signed by the Governor (Chapter 808, Statutes of 1997).*

**AB 2306 (Richter): Reimbursement from the Underground Storage Tank Cleanup Fund.** This bill would have made a series of clarifications concerning the scope of and procedures governing the Underground Storage Tank Cleanup Fund. The bill also would have allowed the state water board to declare an underground storage tank cleanup complete, even where the regional water board had not yet found the cleanup complete.

*Status: Held in ES&TM.*

**SB 913 (Kelley): Underground storage tank upgrade extension.** Although originally a state Superfund reauthorization bill authored by Senator Calderon, this bill was amended during the final days of the Legislative session to address the underground storage tank upgrade compliance deadline. All underground storage tanks containing petroleum are required to meet specific upgrade standards by the end of December 1998 to ensure that they won't leak. Under state law enacted in 1997 (AB 1491, Cunneen), local regulatory agencies must certify that these upgrades have been made or no gasoline can be delivered to them. SB 913 anticipates that some local agencies may not be able to meet the December certification deadline. Should this prove true, this bill allows local agencies to apply to the State Water Resources Control Board for an extension of the deadline, not to exceed March 31, 1999. The extension only applies to the certifying agencies, and not the owners or operators of the tanks, who must comply with upgrade requirements by the end of the year.

*Status: Signed by the Governor (Chapter 774, Statutes of 1998).*

**SB 1012 (Sher): Database of leaking underground storage tanks.** This bill would have required the State Water Resources Control Board to adopt regulations to specify statewide numerical standards to define and identify underground tank cleanup sites that contain residual petroleum contamination. Under existing law, the state board is required to maintain a database of leaking tank sites at which residual contamination is present. However, the state board has done little to implement this requirement because it has not determined what the concept "residual contamination" means. This bill would have defined when residual contamination is determined to exist, in terms of the type of contamination present and the analytical technologies available to detect it.

*Status: Held in ES&TM at the request of the author.*



## **1997-98 Legislative Summary**

### **Miscellaneous**

**AB 733 (Washington): Environmental hazards education.** This bill would have included information about environmental hazards in the educational curriculum developed by the Conservation Education Service. It also would have made hazardous material health and safety education programs eligible to apply for state conservation education grants.

*Status: Held in ES&TM at the author's request.*

**AB 2192 (Kuehl): Safe transportation of radioactive waste.** This bill would have established statewide safety regulations for the transportation of high-level radioactive waste and spent nuclear fuel, including mandated safety inspections, testing of transporting casks, electronic tracking, and specialized emergency response training. This bill was introduced in response to the federal government's plans to increase shipments of radioactive wastes across the state.

*Status: Vetoed.*

**AB 2614 (Olberg): Proposition 65 citizen suit notices.** This bill would have extended, from 60 to 120 days, the amount of advance notice that private citizens must give to a defendant and to the State Attorney General's Office before commencing suit for violations of Proposition 65 (the Safe Drinking Water and Toxics Enforcement Act of 1986). By the terms of Proposition 65, which was an initiative measure enacted by direct vote of the people, any changes to the law made by the legislature must "further the purposes" of the initiative. The citizen suit provisions of Proposition 65, including the 60 day notice, were directly modeled on similar 60 day notice provisions contained within the Federal Water Pollution Control Act, the National Environmental Policy Act and the Clean Air Act.

*Status: Held without hearing in ES&TM.*

**SB 658 (Sher): Peer review of scientific portions of regulations adopted by the California Environmental Protection Agency.** This bill would have required the California Environmental Protection Agency (Cal-EPA) to submit an annual status report listing all rules that are subject to external peer review and the disposition of each rule. This was a cleanup measure designed to allow the Legislature to track the administration's implementation of SB 1320 (Sher, Chapter 295, Statutes of 1997), which required external peer review of the scientific portions of rules and regulations adopted by the departments and boards within Cal-EPA.

*Status: Vetoed.*

**SB 1034 (Maddy): Trauma scene waste management.** This bill enacts the Trauma Scene Waste Management Act to regulate businesses that clean up human injury scenes contaminated by blood or other bodily fluids. Under the bill, commercial entities performing this work must register with the State Department of Health Services and

comply with waste management practices concerning the care and disposal of waste, training, and protective clothing.

*Status: Signed by the Governor (Chapter 732, Statutes of 1997).*

**SB 661 (O'Connell): Toxics air monitoring plan.** This urgency measure appropriates \$145,000 from the General Fund to the Department of Pesticide Regulation to implement an air monitoring plan in the City of Lompoc for the purpose of determining the presence of pesticides in the air. The bill follows up on efforts undertaken by the state and city to determine the cause of elevated incidence of lung and bronchus cancers, bronchitis, and asthma among residents of Lompoc. As passed by ES&TM, the bill addressed the state and regional water boards' use of "containment zones" to manage, rather than cleanup, water contamination.

*Status: Signed by the Governor (Chapter 274, Statutes of 1998).*